

## **6.2 COURT AFFAIRS**

Revised July 11, 2013  
The Support Bureau has audit responsibility.

Only Court Affairs may accept a subpoena duces tecum or a summons intended for service on department employees. Court Affairs will forward the subpoena or summons to the LBPB Custodian of Records.

### **6.2.1 SUBPOENAS AND SUMMONSES**

Revised July 11, 2013

A summons is a document served on an employee informing them that they are being civilly sued. If an employee receives a summons for a civil action brought against them for an act or action while in the performance of their duties, they shall immediately contact the City Attorney's Office for the purpose of obtaining legal representation.

A subpoena is a writ by a government agency that has authority to compel testimony or the production of evidence under penalty for failure.

#### **6.2.1.1 ACCEPTANCE OF SUBPOENAS AND SUMMONSES**

Revised July 11, 2013

All entities delivering subpoenas to the Department must submit them to Court Affairs at least five days prior to the scheduled court date. Court Affairs will enter any received subpoena or summons into the Electronic Subpoena Service System for service to the involved employee.

Court Affairs shall accept all timely civil subpoenas that exhibit a court case number, date, time and location. Depending on the information requested, Court Affairs may charge the serving party a fee. The fee shall be received prior to the acceptance of a subpoena.

Business representatives wishing to serve a subpoena or summons shall be directed to Court Affairs, during normal business hours. Representatives attempting to serve a subpoena or summons after normal hours or on a holiday shall be directed to return to Court Affairs on the next scheduled business day during normal business hours.

Subpoenas received via USPS mail, teletype or fax shall be forwarded to Court Affairs for processing. In the event a subpoena is inadvertently mailed to a substation, the employee shall immediately forward the subpoena to Court Affairs.

#### **6.2.1.2 ELECTRONIC SUBPOENA SERVICE PROCEDURE**

Revised July 11, 2013

Court Affairs shall enter every subpoena they receive into the Court Affairs Electronic Subpoena System. Employees will log into the system and enter their department ID number to accept their individual subpoenas. Employees must check the Court Affairs

Electronic Subpoena Service System on each of their workdays. Employees shall respond to all subpoenas served on them ordering their presence in court.

### 6.2.1.3 REFUSAL OF SERVICE

Revised July 11, 2013

- An employee may refuse subpoena service for the following reasons:
- If a subpoena is entered into the Court Affairs Electronic Subpoena Service System with less than five working days of the court hearing, it shall be considered untimely; however, this does not preclude the employee from accepting service if they are on a normal workday or are otherwise able to attend.
- Employees on approved vacations, holidays, or overtime days off may be able to refuse subpoena service if they have forwarded an approved copy of the time off request to the Court Affairs Office in a timely manner. Court Affairs must receive an approved vacation request at least 14 days prior to a vacation. They must receive an approved copy of a holiday or overtime day off request at least 7 days prior. **Note:** Employees must honor all subpoenas received prior to the submission of a vacation, holiday, or overtime day off request. Employees shall contact the Court Affairs Sergeant if a conflict arises.
- Employees assigned to training on scheduled court appearance days shall provide a memorandum to Court Affairs advising them of the length and location of the training assignment. The memorandum should be delivered to Court Affairs at least one workweek prior to the training class.
- Employees who are military reservists and ordered to active duty shall provide Court Affairs with a memorandum advising of the length, duty location, and return to work date no later than one workweek prior to their activation date.
- Employees who are physically unable to attend court due to illness or injury shall notify Court Affairs as soon as possible. The Personnel Division will notify Court Affairs of all employees who are IOD. Employees who are IOD, but in a light-duty work status are still required to accept and honor all served subpoenas.

### 6.2.2 COURT APPEARANCES

Revised July 11, 2013

When required by subpoena, ordered by a commanding officer or court liaison officer, attendance at a court or quasi-judicial hearing is considered an official duty assignment. Failure to appear in court on the date and time ordered, without good cause, may result in court-mandated or department action.

Employees shall receive overtime compensation for court in accordance with the most current Memorandum of Understanding from their respective bargaining unit. Employees are responsible for monitoring their court cases through adjudication.

An employee who receives a subpoena to testify for the defense, against the City, or against the Department in any trial or hearing, shall notify their Division Commander as

soon as possible. The employee shall notify Court Affairs if the subpoena was received outside of the Electronic Subpoena Service System.

#### **6.2.2.1 CONDUCT IN COURT**

Revised July 11, 2013

While in court, employees shall avoid mannerisms that might imply disrespect to the Court, such as: reading, talking, texting or using cell phones, eating, drinking, chewing gum, wearing hats or sunglasses, or sleeping.

#### **6.2.3 QUASI-JUDICIAL HEARINGS**

Revised July 11, 2013

Employees may be required to attend quasi-judicial hearings to provide testimony concerning their actions, observations or activities. Court Affairs will enter all quasi-judicial hearings into the Electronic Subpoena Service System. Employees shall conform to the same standards of conduct and procedures pertaining to all other court appearances.

Quasi-judicial hearings include:

- Parole hearings
- Probation hearings
- Department of Motor Vehicles hearings
- Alcohol Beverage Control hearings
- Civil Service hearings
- Depositions

#### **6.2.4 COURT CALENDAR**

Revised July 11, 2013

Court Affairs shall display one copy of the court calendar outside of the Court Affairs Office and distribute two copies of the court calendar to the Public Safety Building Business Desk. Each Division is responsible for printing and displaying the calendar for employees to view. Court calendars are only valid for the next-court day if printed after 1800 hours.